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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/226,332    01/06/99    SEKIZAWA

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EXAMINER
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TM02/0703

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NEW YORK NY 10038-4982

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2181  
DATE MAILED:

07/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/226,332

Applicant(s)

Sekizawa

Examiner

Gopal C. Ray

Art Unit

2181



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Jan 6, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-69 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☒ Claim(s) 1, 3-14, 17-23, 27-32, 38-40, 43, 46-51, 55-60, 64, 67, and 69 is/are allowed.

6) ☒ Claim(s) 2, 15, 16, 24-26, 33-37, 41, 42, 44, 45, 52-54, 61, 65, and 68 is/are rejected.

7) ☒ Claim(s) 62, 63, and 66 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5, 8 and 9

20) ☐ Other:

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1. Claims 1-69 are presented for examination.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The drawings filed on 1/6/1999 are objected to by the PTO draftsman. See PTO-948 for objections to the drawings. The drawings are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Direct any inquiries concerning drawing review by the PTO draftsman to the Drawing Review Branch at (703) 305-8404.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
5. Claims 2, 15, 16, 34-37, 41, 42, 44 and 45 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner notes the following ambiguities. However, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.

As per claims 2, 15, 35 and 41, the claims are indefinite because "the internet" in claim 2, line 2; claim 15, line 2;

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claim 35, line 2 and claim 41, line 2 lacks proper antecedent basis.

As per claims 16, 36 and 42, the claims incorporate the deficiencies of the respective parent claims.

As per claim 34, line 2, "abd" should be redrafted to make proper sense.

As per claims 35-37, the claims incorporate the deficiencies of the parent claim.

As per claims 42, 44 and 45, the claims are indefinite because "the machine" in claim 42, line 2; claim 44, line 3 and claim 45, line 2 lacks proper antecedent basis.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 24-26, 33, 52-54, 61, 65 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,727,135 issued to Webb et al.

As per claim 24, the reference of Webb et al. teaches "global information getting means for getting the status information from the plurality of machines; and display means for

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displaying the status information gotten by said global information getting means in installation area units of the plurality of machines" in Figs. 1 and 9; abstract and col. 1, lines 8-12.

As per claims 25-26, the reference of Webb et al. teaches the added features in col. 1, lines 8-22 and col. 4, line 67 - col. 5, line 5.

As per claim 33, the claim is rejected for similar reasons as discussed in the rejection of claim 24.

As per claims 52-54, the claims recite methods which parallel apparatus claims 24-26 respectively. In teaching the construction and use of the device, US Patent 5,727,135 issued to Webb et al. teaches corresponding methods.

As per claim 61, the claim is rejected for similar reasons as discussed in the rejection of claim 33 with the exception of "a computer-readable medium storing thereon a program for causing a computer connected to a plurality of machines to be monitored" in Fig. 3, element 139.

As per claim 65, the claim recite a method which parallels apparatus claim 24 with the exception of "a computer-readable medium storing thereon a program for causing a computer connected to a plurality of machines to be monitored". However, the reference of Webb et al. teaches the feature in Fig. 3, element 139. respectively. Therefore, in teaching the construction and

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use of the device, US Patent 5,727,135 issued to Webb et al. teaches a corresponding method.

As per claim 68, the claim is rejected for similar reasons as discussed in the rejection of claim 65.

8. Claims 1, 3-14, 17-23, 27-32, 38-40, 43, 46-51, 55-60, 64, 67 and 69 are allowable. Claims 62, 63 and 66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 15, 16, 34-37, 41, 42, 44 and 45 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. The prior art submitted by applicant has been considered by the examiner and made of record in the file.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (703) 305-9647. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703) 305-9713. The fax phone number for this Group is (703) 308-6296.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [robert.beausoliel@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2100 receptionist whose telephone number is (703) 305-3900.

*Gopal C. Ray*  
GOPAL C. RAY  
PRIMARY EXAMINER  
GROUP 2100